



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 20, 2023

BY ECF

The Honorable Loretta A. Preska
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Jesus Concepcion*, 21 Cr. 479 (LAP)

Dear Judge Preska:

The Government respectfully writes to advise the Court that the parties have conferred and agreed to a schedule with respect to the exchange of certain material and information prior to and during the trial in this matter scheduled to begin on September 13, 2023.

The proposed schedule is as follows:

August 1, 2023: The parties provide notice to each other, consistent with the requirements of Federal Rule of Criminal Procedure 16, of experts potentially to be called, if any, during the Government's case-in-chief and the defendant's case.

August 14, 2023: The parties file with the Court any additional motions *in limine*.

August 18, 2023: The parties exchange revised list of exhibits each party reasonably expects to seek to introduce during the Government's case-in-chief and the defendant's case. The exhibit lists will remain subject to good-faith revision as the parties continue to prepare for trial.

The parties provide notice to each other, consistent with the requirements of Rule 16, of rebuttal experts, if any.

The defendant produces material covered by Federal Rule of Criminal Procedure 16.

August 21, 2023: The parties file with the Court oppositions to motions *in limine*.

August 25, 2023: The parties file with the Court replies in support of motions *in limine*.

August 29, 2023: The Government provides notice to the defendant of additional evidence it may seek to offer pursuant to Federal Rules of Evidence 404(b) and 413.

August 30, 2023: The Government provides to defense counsel material covered by 18 U.S.C. § 3500, including material pursuant to *Giglio v. United States*, 405 U.S. 150 (1972). These materials shall be provided on an Attorney's Eyes Only basis pursuant to the Protective Order agreed to by the parties.

September 5, 2023: The parties exchange revised lists of witnesses whom they reasonably expects to call during the Government's case-in-chief and the defendant's case.

In accordance with the Protective Order, the defendant may review the 3500 material in the presence of counsel.

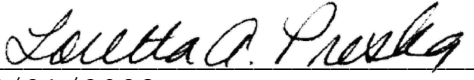
Defense counsel provides to the Government material covered by Federal Rule of Criminal Procedure 26.2.

The parties recognize that 3500 and Rule 26.2 obligations are continuing, and accordingly that when new material is generated after the pertinent deadline described above, such material will be timely provided, *i.e.*, generally the same day it is generated, and prior to the witness to whom it applies next taking the stand. The defense has also agreed that, consistent with Rule 26.2(c), if the defense intends to withhold any such material on the ground of privilege or work-product, it will provide that material to the Court for timely review.

Finally, both the Government and the defense anticipate timely agreeing to stipulations to avoid the need to call custodians of records or otherwise to authenticate evidence or the accuracy of transcripts, and the parties agree that the dates set forth herein do not alter the parties' reciprocal discovery obligations or the obligation to produce materials obtained pursuant to Federal Rule of Criminal Procedure 17(c), absent an order to the contrary.

The above schedule is approved.

SO ORDERED.


7/21/2023

Respectfully submitted,

DAMIAN WILLIAMS
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Southern District of New York

By: /s/
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cc: Raoul Zaltzberg, Esq. (by ECF)